

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MONSURU WOLE SHO,)	Case No.: 1:21-cv-01812-BAK (HBK) (HC)
)	
Petitioner,)	ORDER DENYING PETITIONER’S MOTION
)	FOR APPOINTMENT OF COUNSEL
v.)	
)	(Doc. No. 3)
CURRENT OR ACTING FIELD OFFICE)	
DIRECTOR, SAN FRANCISCO FIELD)	
OFFICE, UNITED STATES IMMIGRATION)	
AND CUSTOMS ENFORCEMENT, et al.,)	
)	
Respondents.)	

On November 12, 2021, Petitioner filed a motion to appoint counsel. (Doc. No. 3.) Petitioner has a petition for writ of habeas corpus pursuant to 28 U.S.C. ¶ 2241 challenging his continued detention by Immigration and Customs Enforcement pending before the Court. (Doc. No. 1). Petitioner requests appointment of counsel to assist him in this action. This same day, the Court directed Respondent to file a response to the Petition.

There is no automatic, constitutional right to counsel in federal habeas proceedings. *See Coleman v. Thompson*, 501 U.S. 722, 752 (1991); *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958). The Criminal Justice Act, 18 U.S.C. § 3006A, however, authorizes this court to appoint counsel for a financially eligible person who seeks relief under § 2254 when the “court determines that

1 the interests of justice so require.” *Id.* at § 3006A(a)(2)(B); *see also Chaney v. Lewis*, 801 F.2d 1191,
2 1196 (9th Cir. 1986).

3 A review of the pleadings filed by Petitioner to date show he was able to file his habeas
4 petition without the aid of counsel and articulate his claims. And, contrary to Petitioner’s assertion,
5 the court does not find the issues are “so complex that due process violations will occur absent the
6 presence of counsel.” *Bonin v. Vasquez*, 999 F.2d 425, 428–29 (9th Cir. 1993). As noted, this case is
7 in the early stages of litigation and Respondent’s response to the Petition is not yet due. Based upon
8 the record, the Court does not find that the interests of justice require the appointment of counsel at the
9 present time.

10 Accordingly, it is **ORDERED**:

11 Petitioner’s motion for appointment of counsel (Doc. No. 3) is DENIED.

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14 Dated: February 9, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE